

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 1 is currently being amended, whereby the scope of this claim has not changed.

Claims 37 and 38 are currently being added.

This amendment and reply adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding and amending the claims as set forth above, claims 1-3, 9, 11, 13-15, 17 and 19-38 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3, 9, 11 and 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0197965 to Peng in view of U.S. Patent Publication No. 2002/0042291 to Lahteenmaki et al.; claims 15, 17, 19 and 29-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of U.S. Patent No. 6,389,268 to Snyder and further in view of Lahteenmaki; and claims 20-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng in view of Snyder and further in view of Lahteenmaki, and further in view of U.S. Patent Publication No. 2002/0022499 to Newman et al. These rejections are traversed for at least the reasons given below.

In its rejection of claim 1, the Office Action incorrectly asserts that paragraphs 0032 to 0035 of Lahteenmaki describes that an operational state of a cellular phone is automatically set to one of a plurality of different possible operational states, based on which of a plurality of attachments is fitted over a casing of the cellular phone.

While paragraph 0033 of Lahteenmaki describes a plurality of different replacement covers 5 that can be placed onto a communication device 1, whereby “the type of replacement cover in question” is communicated to the communication device 1 when the replacement cover is attached to the communication device, this does not meet the specific features recited in claim 1.

Namely, claim 1 recites that an operational state of the cellular phone is automatically set to one of a plurality of possible operational states, based on which of said plurality of attachments is fitted over the first casing. That is, when a replacement cover is provided a cellular phone, an operational state of the cellular phone is automatically set to a particular state corresponding to that particular replacement cover. This is, with all due respect, much different from a teaching in which a replacement cover provides information to a cellular phone of its particular type, when the replacement cover is attached to the cellular phone. In more detail, in the system of Lahteenmaki, while the cellular phone is notified of a particular type of replacement cover attached to it, this does not change an operational state of the cellular phone.

Paragraph 0034 of Lahteenmaki describes that a replacement cover can provide background light to illuminate a keyboard and to conduct light to desired points on the communication device 1, and/or to indicate an incoming call, but again this does not affect an operational state of the communication device 1.

Paragraph 0035 of Lahteenmaki describes that a display resolution can be changed based on which replacement cover 5 to be attached to the communication device 1, but since the display 4 is part of the replacement cover 5 (“a replacement cover 5 equipped with a display 4 . . .”), this does not affect an operational state of the communication device 1.

Accordingly, since Peng does not rectify the above-mentioned deficiencies of Lahteenmaki, presently pending claims 1-3, 9, 11 and 13-14 are patentable over the combined teachings of those two references.

With respect to the rejection of claim 15 based on the combination of Peng, Lahteenmaki and Snyder, the Office Action incorrectly asserts that Lahteenmaki teaches a function unit that “performs a predetermined function (read on game function, phone function, touch panel)”, and a control unit that controls the function unit and which “changes

an operational stage of the cellular phone when the attachment is fitted over [a] casing of the cellular phone.”

Rather, the different replacement covers of Lahteenmaki do not change an operational state of the communication device 1, but rather they provide different features, such as an enhanced display, to allow a user to perform different functions. Again, the operational state of the communication device 1 remains unchanged. The fact that one replacement cover may have a different keypad than another replacement cover does not affect the fact that the communication device 1 itself does not change its operation state.

Accordingly, claim 15 is patentable over the combined teachings of the cited art of record.

The same arguments apply to presently pending independent claim 32, whereby claim 32 is patentable over the combined teachings of the cited art of record.

It is also noted that neither Newman et al., Snyder or Peng rectifies the above-mentioned deficiencies of Lahteenmaki, and thus claims 20-28 are patentable over the cited art of record.

New Claims:

New claims 37 and 38 have been added to specify specific operational states of the cellular phone that are changed based on which attachment is attached to the cellular phone. In Lahteenmaki, on the other hand, such features of the communication device 1 do not change based on which replacement cover 5 is attached to the communication device 1.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 23, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By Phillip J. Articola

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819